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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,322	02/19/2004	Nicola John Policicchio	9164M	6151

27752 7590 07/28/2005

THE PROCTER & GAMBLE COMPANY
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EXAMINER	
CARRILLO, BIBI SHARIDAN	
ART UNIT	**PAPER NUMBER**
1746	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/782,322	POLICICCHIO ET AL.	
	Examiner	Art Unit	
	Sharidan Carrillo	1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 July 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *47,50-54 and 56-59* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *47, 50-54 and 56-59* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 47, 50-54, and 56-59 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 47 is indefinite because it fails to recite what conditions are included in order for the microcrystalline wax to have a penetration value at about 20 dmn and about 100dmm, at a temperature of 25 degrees. Specifically, page 9, lines 29-34, teaches that the penetration value is measured by ASTM standard test D132. Therefore, the test of test should be recited in the claim, sine it is the D1321 test of the microcrystalline wax which produces the recited penetration values.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 47, 50, 52-54, and 56-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (6777064) in view of Childs et al. (Wo002/083834).

Brown et al. teach a cleaning sheet for removing allergens from surfaces. In col. 12, lines 33-35, Brown teaches the cleaning sheet having at least two separate layers. In col. 18-19, Brown teaches the cleaning sheet having additives which include microcrystalline wax having an add-on level of at least about 0.01%. In col. 28, Example 5, Brown et al. teach cleaning sheets that are commercially available under the tradename "Quickle" and "Grab-It".

In reference to claims 47, and 58-59, Brown et al. fail to teach the specified Rt values. However, one would have reasonably expected the additives of the cleaning sheet of Brown et al. to have the same Rt values since the reference teaches using the

same components as the claimed invention. In reference to claims 47, 56-57 and the penetration value, one would have reasonably expected the additives of the cleaning sheet of Brown to have the claimed penetration values since Brown teaches using the cleaning sheets of Quickle and Grab-It which are similar to applicant's cleaning sheet of Quickle and Pledge-Grab It, as recited on page 26 of the instant specification. Since Brown teaches that the cleaning sheet can have additives such as microcrystalline wax and further teaches using cleaning sheets by Quickle and Grab-It, one would reasonably expect the cleaning sheets of Quickle and Grab-It by Brown et al. to also include the microcrystalline wax additive. Therefore, since the Quickle and Grab-It sheets of Brown et al. may contain the microcrystalline wax, the examiner sees no difference between the cleaning sheet of Brown and examples 16 and 18 on page 26 of the instant specification.

Brown fails to teach the add-on level between 0.1g/m2 and about 2.3 g/m2. However, Brown teaches 0.01%. Childs teaches an add on level of 0.04 g/m2 of additive as recited on page 18.

It would have been obvious to a person of ordinary skill in the art to modify the method of Brown to include the add-on level of additive, as recited by Childs, for purposes of enhancing the ability of the cleaning sheet to pick up particulate material from surfaces, while minimizing the amount of residue left on the surface being wiped by the cleaning sheet. In reference to claim 50, refer to col. 21, lines 29-45. In reference to claim 52, refer to col. 11, lines 65-67. In reference to claims 53-54, refer to col. 8, lines 10-20.

5. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (6777064) in view of Childs et al. (Wo002/083834), as applied to claims 47, 47, 50, 52-54, and 56-59, as described in paragraph 4 above, and further in view of Bergsten et al. (US2003/0171051).

Brown et al. in view of Childs et al. fail to teach the addition of colored dyes. Bergsten et al. teach a cleaning sheet having an additive selected from the group consisting of wax and oil. Paragraph 51 teaches it is conventional to include other additives such as colorants. It would have been within the level of the skilled artisan to modify the method of Brown et al., to include colorants, as taught by Bergsten et al., which are conventionally used for imparting color to the cleaning sheet.

Response to Arguments

6. The rejections of the claims under 112, first paragraph, are withdrawn in view of the newly amended claims and arguments presented by applicant.

7. The rejection of the claims, under 112, second paragraph is maintained for the reasons set forth above.

8. The rejection of the claims as being unpatentable over Childs in view of the secondary references is withdrawn in view of applicant's submission of the 1.132 Declaration. However, a new grounds of rejection in view of Childs is presented.

9. The 1.132 Declaration is persuasive in part. The examiner agrees that the microcrystalline wax (SP No. 617) on page 17 of Childs does not have a penetration value as recited in Claim 47 based on the 1.132 Declaration. However, the 1.132 Declaration does not provide evidence that all microcrystalline waxes of Childs do not

have the recited penetration values. The Declaration is only persuasive for the particular example on page 17 of Childs. Therefore, the Childs reference is still applicable as prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharidan Carrillo whose telephone number is 571-272-1297. The examiner can normally be reached on M-W 6:30-4:00pm, alternating Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sharidan Carrillo
Primary Examiner
Art Unit 1746

bsc

SHARIDAN CARRILLO
PRIMARY EXAMINER